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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,480	04/05/1999	YOSUKE SUZUKI	450100-4842	5049

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EXAMINER

JOSEPH, THOMAS J

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PH

146

Office Action Summary

Application No.

09/286,480

Applicant(s)

SUZUKI ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Examples of these occurrences include the following: Claim 1, line 12, reads, “an address-information generating means for generating address information” is not comprehensible by one with ordinary skill in the art. This literal translation can be misinterpreted by one with ordinary skill in the art. The Examiner cannot comprehend the intent by the Applicant of the words “address information” in relationship to “character information.” Examiner cannot comprehend the meaning of said “information” for one of said tracks.

The Examiner asserts the above are only examples of potential misunderstandings resulting from the current translation of the claim language. The Examiner recommends that the Applicant revise both the specification and claim language in order for it to be more understandable by one with ordinary skill in the art using English as a first and primary language. .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber (pat. # 5,995,105), Aramaki (pat. 6,088,304), and Yamagami (pat. # 6,334,025).

Claim 1 is rejected. The inventor teaches, "a character-information detecting means for detecting character information recorded in an information control area of said recording medium and reproduced by said playback means". Reber (pat. # 5,995,105) teaches storing character information in the form of a web address that can be reproduced by a play back means (fig. 3). The technology taught by Reber is a type of character information detecting means for detecting character information recorded in an information control area of said recording medium and reproduced by said playback means. The web address, written in character form, is recorded in an information control area of a recording medium. The memory area in which it is stored is a recording medium. The web page, which it addresses, is a playback means associated with the address. Reber is interpreted as suggesting, teaching, or disclosing teaches, "a character-information detecting means for detecting character information recorded in an information control area of said recording medium and reproduced by said playback means". Reber teaches a "character-string" in the form of "character-string searching means for searching character information detected by said character-information detecting means for a string of

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characters representing address information” as taught by claim 1. The web address box taught by Reber in figure 3 demonstrates character string searching. The box also detects addresses. If the user enters a string that does not represent a valid address, an error would be displayed on the computer display. Reber teaches, “an address-information generating means for generating address information means” taught by claim 1. The web page displayed in figure 3 demonstrates address-information generating means for generating address information. Once the address is entered into the address input box, a searching means is activated.

Reber fails to teach processing a playback signal. Aramaki teaches “an apparatus for processing a playback signal” as taught by claim 1. The magnetic head driving and the optical head technology coupled with readable medium taught by Aramaki (fig. 3, #1, #2, #3, #6) requires a software and hardware forming apparatus that handles some type of playback signal being disseminated from readable medium. It would have been obvious to combine the character reading system taught by Reber with the system of playback taught by Reber because doing so is the widely accepted method for reading data off of readable media such as CDs and magnetic disks.

Reber fails to teach reproducing information including programs and character information associated with said programs but suggest such a need by providing play back hardware. Yamagami teaches (fig. 9, #902, 903; col. 12, lines 60 – 68). Information including programs and character information associated with said programs is the text button for accessing texts associated with audio data taught by Yamagami. The information associated with the audio can be “remote source”. Since the claim language fails to define the remoteness of the said “remote source”, this said “remote source” could be any subcomponent within the

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system distinct from the actual input or output device accessible to the user. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine a remote source for reproducing information including programs and character information associated with said programs taught by Yamagami with the reproducing system taught by Aramaki and Reber because doing so enables the user to read information associated with data during the downloading or uploading process.

Claim 2 is rejected. Reber teaches an address box for displaying a human readable address (fig. 3). This address is "a display means for displaying said character information" as taught by the Applicant. Reber demonstrates the display of "a character based address along with other character based information." The character-based information located outside the address box is associated with the web page.

Claim 3 is rejected. Reber teaches the display of a net address (fig. 3). If the user attempts to request data from a false address, the system will output an error message. This is widely accepted practice in the use of browser technology. Reber at least suggest, teach, or disclose an apparatus wherein said "display control means displays information indicating whether or not character information recorded in said recording medium includes address information on said display means" as taught by the Applicant. Be it noted that the address displayed in the said figure is already recorded in a recording medium. Main memory is a type of recording medium.

Claim 4 is rejected. Reber teaches the display of various buttons that include icons (fig. 3, #51, #50). The use of these icons at least suggest, teach, or disclose a "display means by said display control means to indicate whether or not character information recorded in said recording

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medium includes address information is an icon" as taught by the Applicant in claim 4. These icons include alphanumeric character therefore are consider address information that is an icon.

Claim 5 is rejected. The icons taught by Reber are used for opening other web pages. These web pages have their own code, which equates as a software program. Further, the web address box (fig. 3) is used for activating an operation for activating various web addresses. These addresses are a means for "activating other software associated with said address information displayed on said display means" taught by the Applicant in claim 5.

Claim 6 is rejected. Reber and Aramaki teach the rationale for a playback signal in rejected claim 1. The address data taught by Reber (fig. 3) requires the use of software. All software requires the "memory means for storing character information reproduced from a recording medium" as taught by the Applicant in claim 6. The web address taught by Reber (fig. 3) uses a "search means for searching said character information stored in said memory means for a string of characters representing address information" as taught by the Applicant in claims 6. This operation takes place during every Internet search and during every request for a web page from the Internet. Reber and Aramaki teach the rationale for displaying "control means for displaying information indicating whether or not said address information is included in said character information in accordance with a search result output by said search means on a display means along with said character information" as taught by the applicant in claim 6 in rejected claim 1.

Claim 7 is rejected. Reber and Aramaki teach the rationale of claim 8 in rejected claim 4.

Claim 8 is rejected. Reber and Aramaki teach the rationale of claim 8 in rejected claim 5.

Claim 9 is rejected. Reber and Aramaki teach the rationale of claim 9 in rejected claim 1.

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Claim 10 is rejected. Reber and Aramaki teach the rationale of claim 10 in rejected claim 6.

Claim 11 is rejected. Reber and Aramaki teach the rationale of claim 11 in rejected claim 4.

Claim 12 is rejected. Reber teaches a method wherein said address information is included in said character information, said address information is displayed on said display means along with said character information in a format different from a format of said character information (fig. 3).

Claim 13 is rejected. Reber teaches having a step of activating predetermined application software in accordance with an input operation carried out for said information displayed on said display means to indicate whether or not said address information is included in said character information (fig. 3).

Response to Arguments

4. Applicant's arguments filed 3-6-2002 have been fully considered but they are not persuasive. The Applicant responded to the objection of the specification with a handwritten mark-up copy of the amended specification.

5. The Applicant states that the rejection of independent claims 1, 6, 10 and dependent claims 2 – 5, 7 – 9, and 11 – 13 should be withdrawn. The Applicant asserts that the “string of characters representing address information used for obtaining, from a remote source, program information associated with said programs” as cited in amended claims 1 and 6 overcomes the previous art rejection. The Examiner responds by stating that the web address taught by Reber (fig. 3) indicates a character “string” containing address information for obtaining program

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information from a remote source. Any web server is a remote source. Further, the download of audio information taught by claim 10 is at least obvious. Doing so has been a widely accepted practice by Internet users at the time of the invention. Claim 1 teaches down loading audio information. It is widely accepted in the art at the time of the invention to allow user to download audio using the Internet as taught in claim 10.

6. Due to at least the above reasons, the rejections of claims 1 – 13 remains standing.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on 7:30 am - 4:00 pm.

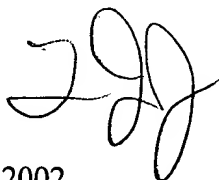
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj

April 2, 2002



Kristine Kincaid
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SUPERVISORY PATENT EXAMINER
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